

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
W/S Velvet Hill Drive, 230' NE * ZONING COMMISSIONER
of the c/l of Tabor Road (12204 Velvet Hill Drive)
4th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District * Case No. 89-397-A
Marc I. Lipnick, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 5 feet in lieu of the required 15 feet for an open projection (carport) in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants. Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of April, 1989 that the Petition for Zoning Variance to permit a side yard setback of 5 feet in lieu of the required 15 feet for an open projection (carport) in accordance with Petitioner's

Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The proposed accessory structure shall not be enclosed beyond the rear portion for use as a storage shed as set forth in Petitioner's exhibits 3A thru 3C.
- 3) Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The proposed carport shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

JRH:bjs

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

Mr. & Mrs. Marc I. Lipnick
12204 Velvet Hill Drive
Owings Mills, Maryland 21117

RE: PETITION FOR ZONING VARIANCE
W/S Velvet Hill Drive, 230' NE of the c/l of Tabor Road
(12204 Velvet Hill Drive)
4th Election District - 3rd Councilmanic District
Marc I. Lipnick, et ux - Petitioners
Case No. 89-397-A

Dear Mr. & Mrs. Lipnick:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

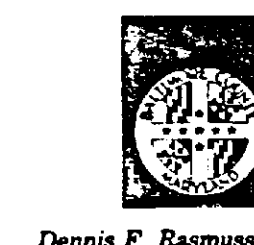
Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File



Dennis P. Rasmussen
County Executive

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-397-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1801.2.C.1 and 301.1 to permit a 5 ft. side yard setback for an open projection (carport) in lieu of the minimum 15 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. Protection from weather for wife & children in getting in and out of car.
2. Need a two car carport; lot not big enough to allow, without variance.
3. Will be in keeping with the neighborhood.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):	MAP FILE NO.
(Type or Print Name)	MARC I. LIPNICK	20
Signature	(Type or Print Name)	E.D. 3
Address	Marc I. Lipnick	DATE 4/18/89
City and State	Signature	200
	SHARON D. LIPNICK	1000
	(Type or Print Name)	DP
	Signature	11 47,350
Attorney for Petitioner:	12204 VELVET HILL DRIVE	47,350
(Type or Print Name)	Address	Phone No.
Signature	OWINGS MILLS, MD. 21117	
Address	City and State	
City and State	Name, address and phone number of legal owner, contract purchaser or representative to be contacted	
	MR. & MRS. LIPNICK	
	Name	
Attorney's Telephone No.:	12204 VELVET HILL DRIVE	356-2145
	Address	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 23rd day of January, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106 of the County Office Building in Towson, Baltimore County, on the 4th day of April, 1989, at 2 o'clock p.m.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

(over)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

MAR 02 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-397-A
W/S Velvet Hill Drive, 230' NE c/l Tabor Road
12204 Velvet Hill Drive
4th Election District - 3rd Councilmanic
Petitioner(s): Marc I. Lipnick, et ux
HEARING SCHEDULED: TUESDAY, APRIL 4, 1989 at 2:00 p.m.

Variance to permit a 5 ft. side yard setback for an open projection (carport) in lieu of the minimum 15 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Marc I. Lipnick, et ux
File

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 17, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in the OWINGS MILLS TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 16, 1989.

OWINGS MILLS TIMES,

S. Zabe Orlan
Publisher

\$74.86

BALTIMORE COUNTY, MARYLAND
Inter-office Correspondence

TO: C.A. Dutch Ruppersberger, III
Councilman, Third District
DATE: February 14, 1989
FROM: J. Robert Haines
Zoning Commissioner
SUBJECT: 12204 Velvet Hill Drive

In response to your memorandum of February 3, 1989, I have attempted to accommodate Mr. and Mrs. Marc Lipnick as quickly as possible for an early variance hearing. Actually, their case was not scheduled for April 13, 1989, but was set for April 25, 1989. I have reset the matter in for April 4, 1989 at 2:00 P.M. which is the absolute earliest available time. I hope this will be satisfactory.

If there are any further questions, please feel free to contact me.

JRH:mmm
cc: Mr. and Mrs. Marc Lipnick

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Mr. & Mrs. Marc I. Lipnick
12204 Velvet Hill Drive
Owings Mills, Maryland 21117

Re: Petition for Zoning Variance
CASE NUMBER: 89-397-A
W/S Velvet Hill Drive, 230' NE c/l Tabor Road
12204 Velvet Hill Drive
4th Election District - 3rd Councilmanic
Petitioner(s): Marc I. Lipnick, et ux
HEARING SCHEDULED: TUESDAY, APRIL 4, 1989 at 2:00 p.m.

Dear Mr. & Mrs. Lipnick:

Please be advised that \$74.86 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

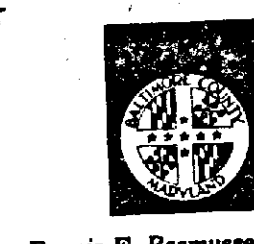
THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 Fifteen (15) minutes before

BALTIMORE COUNTY, MARYLAND		No. 087542
OFFICE OF FINANCE - REVENUE DIVISION		
MISCELLANEOUS CASH RECEIPT		
DATE 4/4/89	ACCOUNT P-01-615-000	
RECEIVED FROM Marc Lipnick, et ux	AMOUNT \$ 89.86	
FOR P-01-615-000 89-397-A		
B 1110*****087542		
VALIDATION OR SIGNATURE OF CASHIER		
CASHIER	FOR AGENCY	YELLOW - CUSTOMER

post set(s), there each set not

ner of



Dennis P. Rasmussen
County Executive



Dennis P. Rasmussen
County Executive

ORDER RECEIVED FOR FILING
D-30 4/18/89
By: J. Robert Haines

ORDER RECEIVED FOR FILING
D-30 4/18/89
By: J. Robert Haines

ORDER RECEIVED FOR FILING
D-30 4/18/89
By: J. Robert Haines

M. & H. DEVELOPMENT ENGINEERS, INC.
200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204
January 12, 1989

ZONING DESCRIPTION

Beginning on the westerly side of Velvet Hill Drive (50 feet wide) the distance of 230.33 feet northeasterly from the centerline of Tabor Road.
Being lot# 79, in the subdivision of Velvet Hill, Book no. 46, Folio 30 also known as 12204 Velvet Hill Drive in the 4th Election District.

Malcolm E. Hudkins
Malcolm E. Hudkins
Registered Surveyor #5095

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

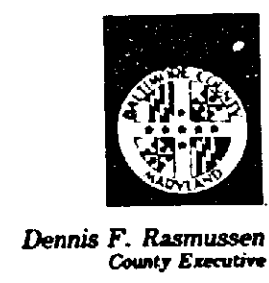
89-397-A

Date of Posting 3-17-89

District: 4th
Posted for: Variance
Petitioner: Marc I. Lipnick, et ux
Location of property: W/S Velvet Hill Drive, 230' NE c/l Tabor Road
12204 Velvet Hill Drive
Location of Sign: Front yard of subject property
Remarks: Sent M. D. Mapple
Posted by: [Signature]
Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

February 15, 1989



Mr. and Mrs. Marc Lipnick
12204 Velvet Hill Drive
Owings Mills, Maryland 21117

RE: Item #295
Petition for Zoning Variance

Dear Mr. and Mrs. Lipnick:

I am in receipt of your letter dated January 30, 1989 requesting an early hearing date. Please be advised that I have scheduled a hearing on your Petition for Zoning Variance for Tuesday, April 4, 1989 at 2:00 P.M. This is the earliest date I can give you for this hearing.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmm
cc: Councilman C.A. Dutch Ruppersberger, III

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

RECEIVED
FEB 8 1989
ZONING OFFICE

TO: J. Robert Haines, Zoning Commissioner
FROM: C.A. Dutch Ruppersberger, III, Councilman, Third District
SUBJECT: 12204 Velvet Hill Drive
DATE: February 3, 1989

I have received a copy of a letter sent to you dated January 30, 1989 from Mr. and Mrs. Marc Lipnick, who live at 12204 Velvet Hill Drive in Owings Mills, concerning a variance hearing set for April 13, 1989. I realize your hearing schedule is very busy, but I would appreciate any consideration you can give to Mr. and Mrs. Lipnick in this matter.

CADR:tlg
cc: Mr. & Mrs. Marc Lipnick

April 4, 1989 at 2:00

Mr. & Mrs. Marc Lipnick
12204 Velvet Hill Dr.
Owings Mills, Md. 21117

January 31, 1989
FEB 1 1989
ZONING OFFICE

Dear Mr. Haines,

Recently Mr. Vince Mosconis of M & H Engineering, Inc., applied for a building permit on our behalf. This permit would allow us to construct a carport on our property. We attempted to get the permit without a variance, but was turned down. We were told that we will need a variance, and that our hearing is set for April 13, 1989. This is a very disturbing development.

We recently acquired a home equity loan to pay for the carport. Now we find ourselves making payments on a loan with the prospect of having the carport built in the near future. It appeared when we applied for the loan that the time was right, since we didn't anticipate any problems in obtaining the building permit, and it looked like interest rates were about to rise, which they did in fact do, right after we had secured the loan.

There are several reasons why we had assumed there would be no problems in obtaining the permit. Our neighbor recently got an amendment which allowed for construction of a garage that came within 6 feet of their property line. Another neighbor got a permit for a garage without an amendment or variance, and built within 3 feet of their property line. Mr. Mosconis requested approval for a 21 foot wide carport, however we only have plans for a 19 foot wide structure. Since our planned carport would then be 7 feet from our property line, and would be open on the front, side, and across most of the back, we did not anticipate any problems.

Now we face the prospect of having to wait until the middle of April just to find out if we will be able to build. We have talked to several builders who can perform the work for us in February or March, but are unable to commit themselves for April, which is the start of their busiest season. In the meantime, we are paying \$150.00 a month towards a home equity loan for nothing.

Mr. and Mrs. Marc Lipnick
12204 Velvet Hill Drive
Owings Mills, Md. 21117

*Marc Lipnick
Sharon O. Lipnick*

PETITIONER(S) EXHIBIT 2

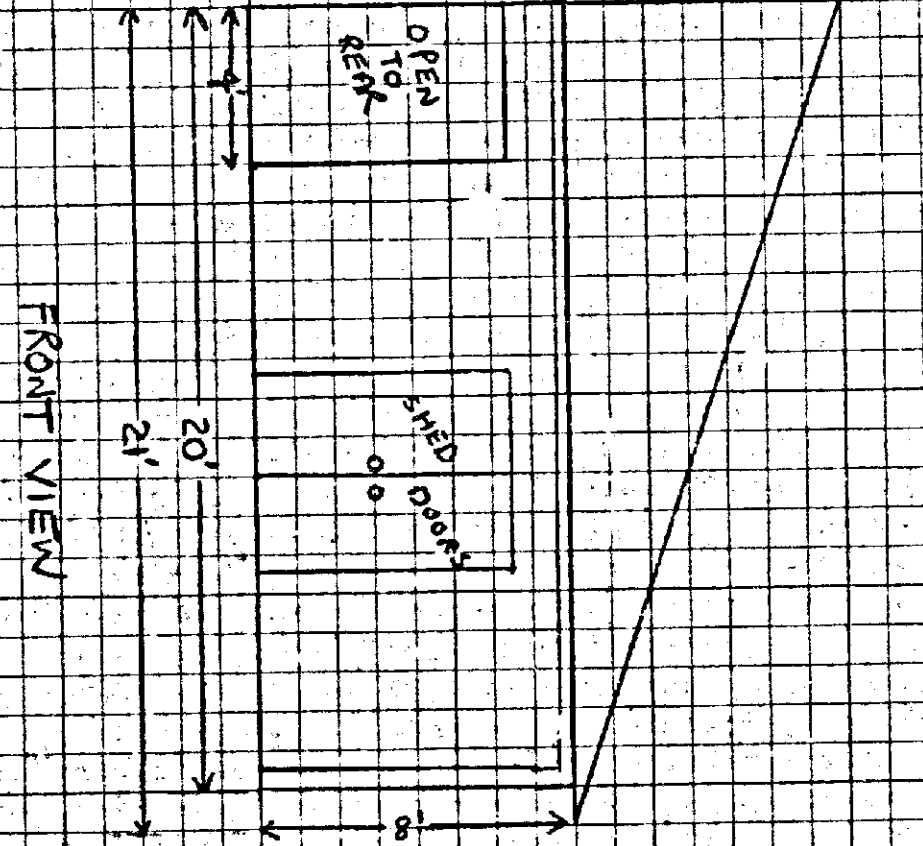


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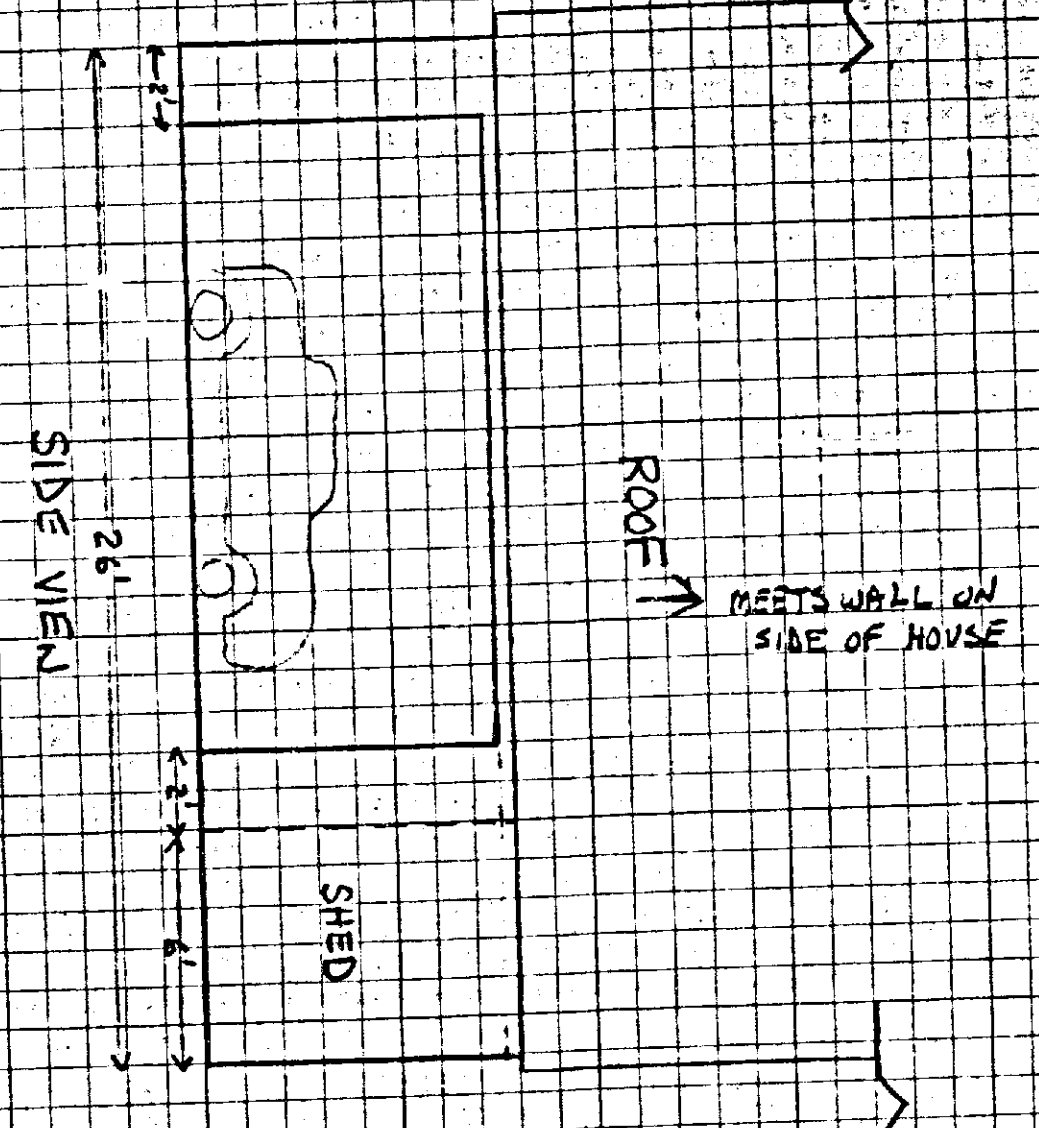


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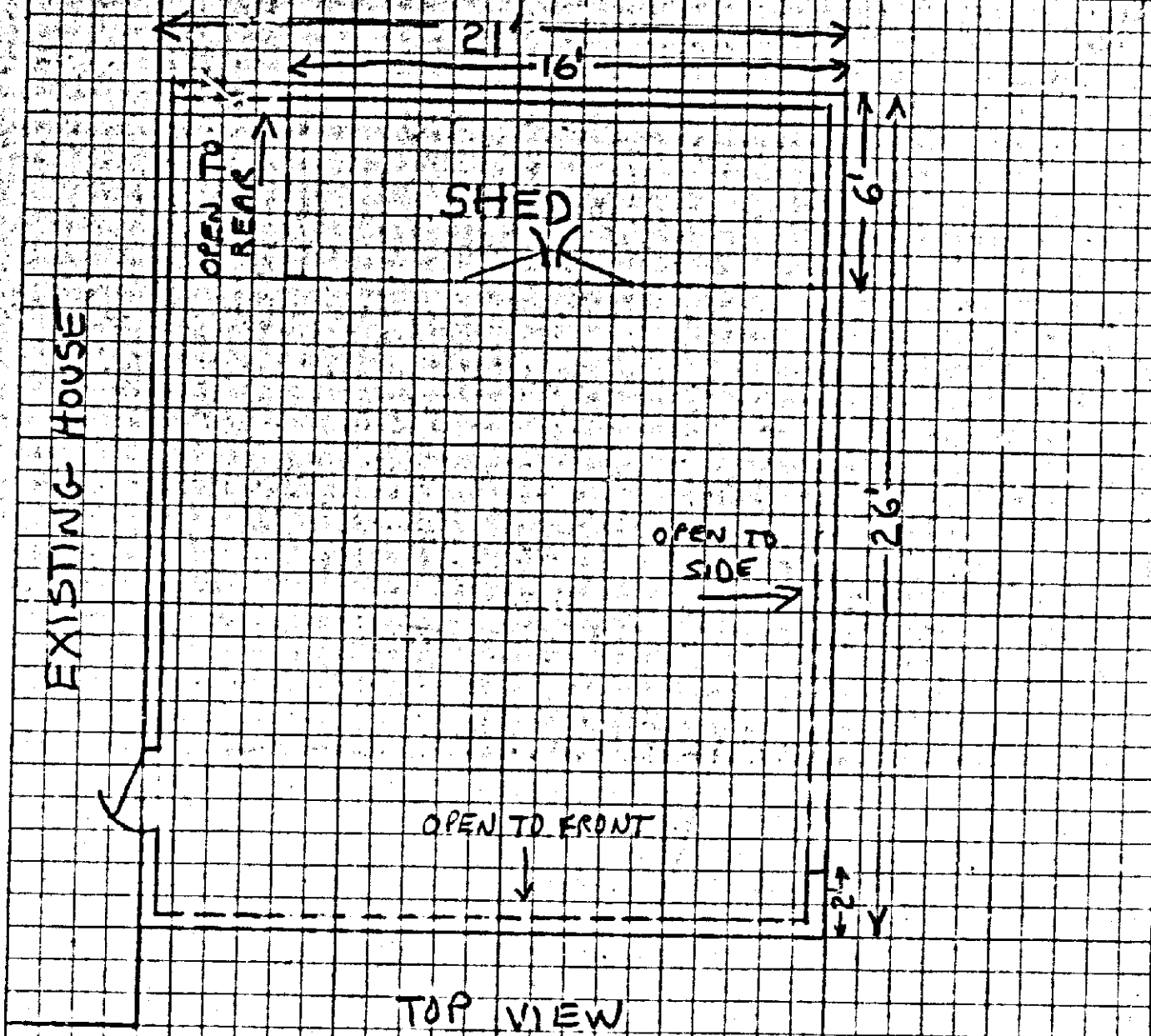
EXISTING HOUSE



PETITIONER'S EXHIBIT 3A



PETITIONER'S EXHIBIT 3B



PETITIONER'S EXHIBIT 3C



COUNTY COUNCIL OF BALTIMORE COUNTY
COURT HOUSE, TOWSON, MARYLAND 21204

March 2, 1989

89-397-A

Mr. & Mrs. Marc Lipnick
12204 Velvet Hill Drive
Owings Mills, Maryland 21117

Dear Mr. & Mrs. Lipnick:

I have been advised by the Zoning Commissioner that he has reviewed your letter of January 30th and in response to your request has re-scheduled your hearing for April 4th.

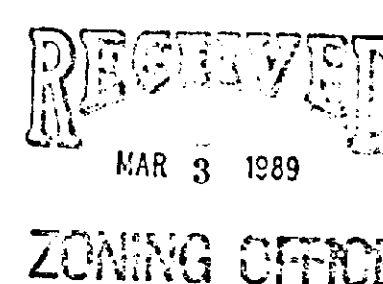
I am pleased to have been of assistance to you in this matter and hope that this earlier date will help you with the completion of your project.

Sincerely yours,

C.A. Dutch Ruppersberger, III
Councilman, Third District

CADR:cae

cc: J. Robert Haines, Zoning Commissioner



Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

February 7, 1989

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Marc I. Lipnick

Location: W/S of Velvet Hill Drive, 230' NE of
centerline of Tabor Road

Item No.: 295

Zoning Agenda Meeting of January 24, 1989

Dennis F. Rasmussen
County Executive

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 1. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill*
Special Inspection Division

NOTED &
APPROVED:

John F. O'Neill
Fire Prevention Bureau

7/3

Dr. & Mrs. Harold Katz
12206 Velvet Hill Drive
Owings Mills, Maryland 21209

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Haines,

We are writing this letter to you at the request of our next door neighbors, Mr. & Mrs. Marc Lipnick. They have informed us of their plans to build a carport on the side of their house closest to our property. Mr. & Mrs. Lipnick have explained why they need a variance in order to acquire a building permit. They have shown us their plans, and we have no objection to the construction of the carport.

Sincerely yours,

Harold Katz
Barbara Katz

County of Baltimore

State of Maryland

Signature of Notary [Signature] Date 3/2/89

My Commission Expires July 1, 1990

PETITIONER'S
EXHIBIT 4

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

March 1, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dennis F. Rasmussen
County Executive

Dear Mr. Haines,

The Bureau of Traffic Engineering has no comments for item number 264, 277, 278, 280, 281, 282, 283, 284, 286, 287, 288, 292, 293, 294, 295 & 296.

89-397-A

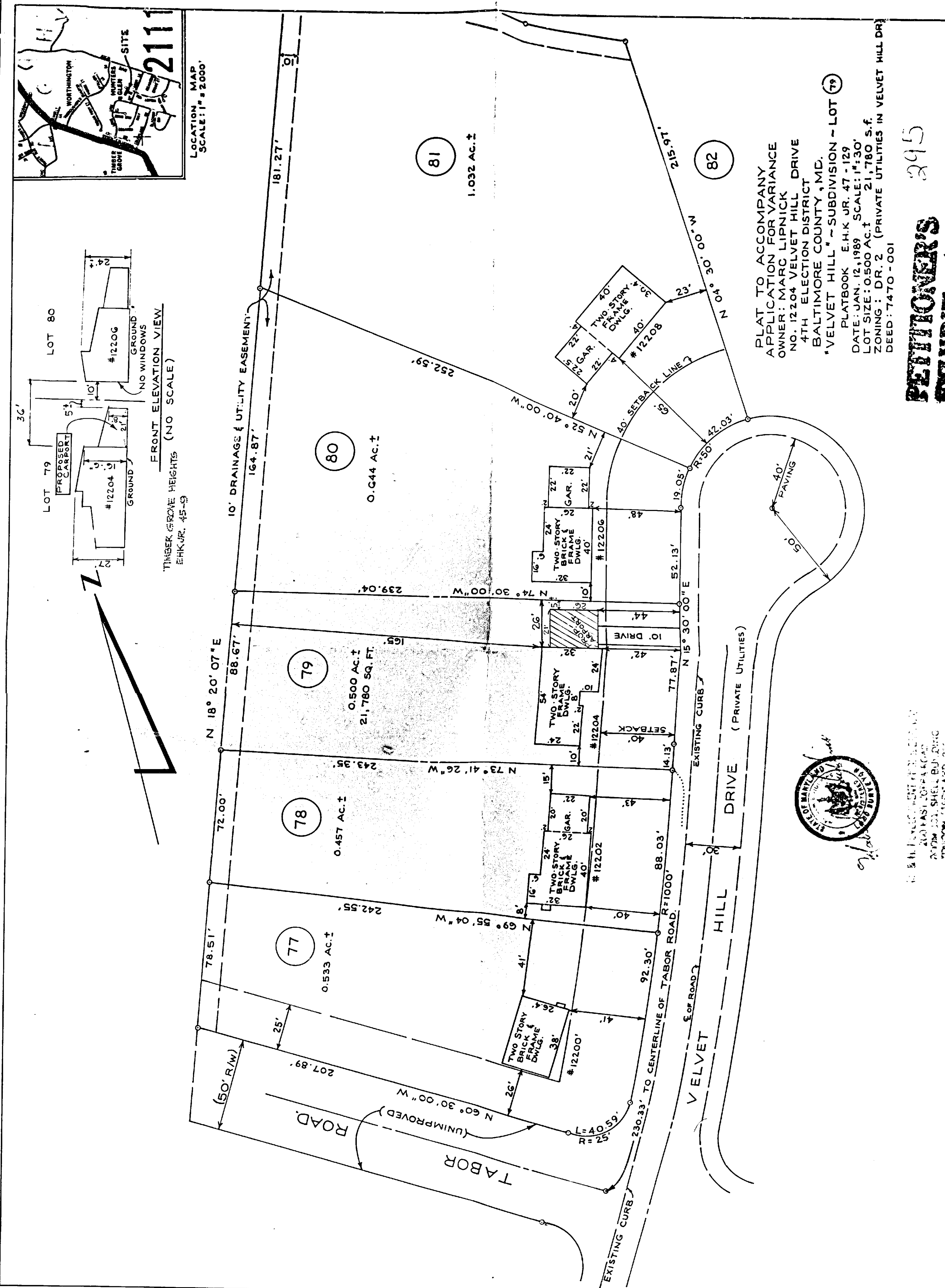
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
25th day of January, 1989.

Petitioner Marc I. Lipnick
Petitioner's Attorney

Received by: James F. Deane
Chairman, Zoning Plans
Advisory Committee



PLAT TO ACCOMPANY
APPLICATION FOR VARIANCE
OWNER: MARC LIPNICK
NO. 12204 VELVET HILL DRIVE
4TH ELECTION DISTRICT
BALTIMORE COUNTY, MD.
"VELVET HILL" - SUBDIVISION - LOT 79
PLATBOOK E.H.K. UR. 47 - 129
DATE: JAN. 12, 1989 SCALE: 1"=30'
LOT SIZE: 0.500 AC.± 21,780 S.F.
ZONING: DR. 2 (PRIVATE UTILITIES IN VELVET HILL DR.)
DEED: 7470-001

PETITIONER'S
EXHIBIT 1

#6875